

21 C.J.S. Courts § 333

Corpus Juris Secundum | May 2023 Update

Courts

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X. Clerks of Courts

B. Compensation

§ 333. Forfeiture of compensation

[Topic Summary](#) | [References](#) | [Correlation Table](#)

West's Key Number Digest

West's Key Number Digest, [Clerks of Courts](#)  36

**A clerk of court may forfeit fees due to misconduct or dereliction of duty.**

A clerk of court may forfeit fees due to misconduct or dereliction of duty.<sup>1</sup> A court clerk may also forfeit pension rights under a statute mandating the forfeiture of a public employee's pension due to criminal conviction.<sup>2</sup>

Depending on the misconduct at issue, there may be instances when removal of a clerk is mandated because it serves the public good, but pension benefits are not concomitantly forfeited because the misconduct at issue does not fall within the purview a statute mandating such forfeiture.<sup>3</sup>

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Footnotes

- 1 Ky.—[Sheppard v. Koch](#), 234 Ky. 1, 27 S.W.2d 389 (1930).
- Mo.—[Chastain v. Missouri, K. & T. Ry. Co.](#), 152 Mo. App. 478, 133 S.W. 853 (1911).
- 2 Mass.—[Retirement Bd. of Somerville v. Buonomo](#), 467 Mass. 662, 6 N.E.3d 1069 (2014); [State Board of Retirement v. Bulger](#), 446 Mass. 169, 843 N.E.2d 603 (2006).
- 3 Mass.—[State Board of Retirement v. Bulger](#), 446 Mass. 169, 843 N.E.2d 603 (2006).

As to removal of a court clerk from office, see § 329.

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